

ARTICLE 933

Recycling

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CROSS REFERENCES

Pennsylvania Municipal Waste Planning, Recycling and Waste Reduction Act (Act 101).

933.01 DEFINITIONS

As used in this article:

(a) "Aluminum Cans" - Aluminum food and beverage containers which contain personal care or edible substances including aerosol type cans.

(b) Brown paper bags - paper bags (eg: grocery bags) made of brown craft paper.

(c) "City" - The City of Bethlehem, Counties of Northampton and Lehigh, Pennsylvania, A Pennsylvania Municipal Corporation or agency of the City of Bethlehem.

(d) "City Recycling Containers" - A receptacle owned by the City which is provided for use of residents for storing recyclable materials and which bears identifying information as designated by the City. This includes both curbside containers and rolloff containers owned by the City.

(e) "Commercial Establishment" - An Establishment engaged in business, including, but not limited to, stores, markets, offices, restaurants, shopping centers and theaters.

(f) "Composting" - The process by which organic solid waste is biologically decomposed under controlled anaerobic or aerobic conditions to yield a humus-like product.

(g) "Container" - A portable device in which material is held for storage or transportation.

(h) "Corrugated Cardboard" - Cardboard with a wavy center between two layers.

(i) Flatboard - brown or gray flat cardboard (eg: cereal boxes).

(j) "Formed Aluminum Containers" - Any shaped aluminum food container other than beverage cans (eg: pie pans). This does not include aluminum foil.

(k) "Glass Containers" - Glass food and beverage containers commonly found in the home. Includes clear (flint), green and brown (amber) colored containers. Excludes crystal, ceramics, light bulbs, plate, window, laminated, wired or mirrored glass.

(l) "Institutional Establishment" - An establishment engaged in service, including, but not limited to, hospitals, nursing homes, orphanages, schools and universities.

(m) "Leaf Waste" - Leaves, garden residues, shrubbery and tree trimmings, and similar materials, but not including grass clippings.

(n) "Mixed Office Paper" - A mixture of non-shiny papers commonly found in the typical office. This mixture includes but is not limited to high grade papers, envelopes, writing paper, fax paper, manila folders, copier paper, etc.

(o) "Municipal Establishment" - An establishment such as a city, borough, incorporated town, township, county or an authority created by any of the foregoing.

(p) "Municipal Waste" - Garbage, refuse, industrial lunchroom or office waste and other material, including solid, liquid, semisolid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and from community activities; and sludge not meeting the definition of residual or hazardous waste from a municipal, commercial or institutional water supply treatment plant, waste water treatment plant or air pollution control facility.

(q) "Person" - Any individual, partnership, corporation, association, institution, cooperative enterprise, municipal authority, Federal Government or Department of General Services and the State Public School Building Authority - or any other legal entity which is recognized by law as the subject of rights and duties. In the provisions of this article pertaining to a fine or a penalty, the term includes the officers and directors of a corporation or other legal entity having officers and directors.

(r) "Plastic Containers" - Plastic jugs, containers and bottles as specified by the **Division of Recycling**.

(s) "Processing" - Any technology used for the purpose of reducing the volume or bulk of municipal or residual waste or any technology used to convert part or all of the waste materials for offsite reuse. Processing facilities include, but are not limited to, transfer facilities, composting facilities and resource recovery facilities.

(t) "Recycling" - The collection, separation, recovery and sale or reuse of metals, glass, paper, plastics and other materials which would otherwise be disposed or processed as municipal waste.

(u) "Solid Waste" - Waste including, but not limited to, municipal, residual or hazardous wastes, including solid, liquid, semisolid or contained gaseous materials.

(v) "Steel Cans" - Tin plated steel cans commonly known as "tin cans" and bi-metal (aluminum and steel) beverage cans and aerosol containers for food and beverages and personal care products consisting primarily of steel. Excludes cans which contain toxic substances.

933.02 DIRECTOR OF COMMUNITY AND ECONOMIC DEVELOPMENT TO
 REGULATE RECYCLING

The Director of Community and Economic Development or his designee shall be empowered to develop rules and regulations necessary to implement the intent of this ordinance and violation of such shall be deemed a violation of this ordinance. The Director of Community and Economic Development or his individual designee shall be empowered to enforce this ordinance and the rules and regulations developed hereunder.

933.03 COLLECTION PROGRAM

The City shall provide for the collection of designated commingled materials from homes, apartments and other residential

establishments at times set forth by the City of Bethlehem. At no time will the collection of designated materials occur less frequently than once every two weeks, unless a collection day falls on a holiday recognized by the City of Bethlehem or in the case of inclement weather. The City will provide for collection of certain leaf waste and commercially-derived materials as noted at reasonable intervals.

933.04 RESIDENTIAL SOURCE SEPARATION

(a) All residents of the City shall source separate all designated recyclables as set forth in this Ordinance from municipal waste generated at their homes, apartments and other residential establishments and shall store such material until collection. Designated materials will be placed together at the curbside or similar location on the day of collection in a container provided by the City or any other open, rigid, waterproof container of not more than 30 gallons capacity.

(b) Designated recyclables for this program shall consist of the following materials:

- clear glass containers
- colored glass containers
- aluminum cans
- steel cans
- certain plastic containers
- leaf waste
- formed aluminum containers
- aerosol containers

(c) The Designated materials must be prepared in the following manner:

(1) Glass, plastic beverage containers, aluminum cans, formed aluminum containers and steel cans shall be rinsed free of contents. Aerosol cans must be empty.

(2) The designated materials, except for leaves, will be set out in containers provided by the City or any other open, rigid, waterproof container of not more than 30 gallons capacity.

(3) Materials not meeting the definition of designated materials will not be picked up for collection.

(4) Other requirements as specified by the Division of Recycling.

(d) All residents shall separate leaf waste from other municipal waste. Tree leaves shall either be placed loose in the street near the curb for municipal collection on designated days

or shall be placed in open brown paper bags at the same location and notification be made to the Department of Public Works of the need for collection. Leaf waste may also be taken for composting to a site as designated by the City.

(e) An owner, landlord or agent of an owner or landlord of multifamily rental housing properties with four or more units may comply with this requirement by establishing a collection system for recyclable materials at each property. It is the landlord's or owner's responsibility to insure the collection system includes proper and adequate containers for collecting and sorting materials, easily accessible locations for the containers, and written instructions to each occupant concerning the use and availability of the collection system. This person is also responsible for the yearly report to the City. In doing so, the management will observe rules and regulations of the City defining minimum standards for such systems.

933.05 COMMERCIAL, MUNICIPAL OR INSTITUTIONAL
ESTABLISHMENTS

(a) All persons shall source separate the designated recyclables generated at commercial, municipal or institutional establishments and from community activities. Such persons are responsible to arrange for collection of the designated recyclables and delivery to facilities which recycle these materials. In addition, all licensed retail food establishments and eating-and-drinking establishments shall likewise source separate additional designated recyclables for collection. Glass and metal containers shall be stored in a manner specified by the City and will be periodically collected by the City or agent of the City.

(b) Designated recyclables for commercial, municipal or institutional establishments consist of the following materials:

Mixed Office Paper
Corrugated Cardboard
Aluminum
Leaves

Establishments may also recycle the following items

Brown Paper Bags	Magazines
Flatboard	Books
Glass	Telephone Books
Plastics	Newsprint
Steel Cans	

In addition, all licensed retail food establishments and eating and drinking establishments must recycle:

- Clear Glass Containers
- Colored Glass Containers
- Aluminum Cans
- Steel Cans

(c) All persons shall separate leaf waste from other municipal waste. Leaf waste shall be taken for composting to a site as designated by the City.

(d) Commercial and Institutional establishments may comply with the requirements of this ordinance in three ways:

(1) Use the designated City recycling center provided by the city.

(2) Contract with a hauler to have the material delivered to a recycler.

(3) Direct sales of the recyclables to a vendor.

If such persons choose option 2 or 3 then they must annually (by February 1 each year) provide proper written documentation to the City of Bethlehem. When a person contracts with a hauler to dispose of source separated materials, the person must report the hauler's name to the City on the form provided. Such written documentation will be on a form provided by the City or on company letterhead. In the case of option 3 or any other method not described is used, weight slips must be provided to the City along with the form provided.

(e) An owner, landlord or agent of an owner or landlord of a commercial or institutional property may comply with these requirements by establishing a collection system for the recyclable materials from each business unit of said property. This person is responsible for establishing a collection system which includes providing suitable containers for collecting and source sorting materials, easily accessible locations for the containers and written instructions to each occupant concerning the use and availability of the collection system. This person is also responsible for the yearly report to the City. In doing such, the management will observe the rules and regulations of the City defining minimum standards for such systems.

933.06 HAULER REQUIREMENTS

The hauler shall accurately provide the City, on a form provided and distributed by the City, a list of customers serviced and a total number of tons recycled by item. Weight

slips and names of brokers may be required to substantiate this documentation.

It is not the hauler's responsibility to source separate the recyclables - only to deliver said recyclables to place where they will be recycled.

933.07 UNLAWFUL ACTIVITIES

It shall be unlawful for:

(a) any persons, other than those persons specifically authorized by the City, to take or collect any designated recyclable which has been placed in City recycling containers at the curbside or **drop-off** location for collection;

(b) any person to violate or to cause or to assist in the violation of any provision of this Ordinance;

(c) any person to place or cause to be placed, any material other than a designated recyclable in recycling containers;

(d) any person to use containers provided by the City for storing recyclables for other purposes or to sell, intentionally damage or otherwise misuse containers.

(e) any person to place designated recyclable materials in container with trash or garbage intended for waste disposal.

(f) any person to hinder, to obstruct, to prevent or to interfere with the City or any other authorized persons in the performance of any duty under this Ordinance.

(g) Any person to knowingly or intentionally deposit, to cause to be deposited, or to assist in depositing in a landfill any designated recyclable material generated in the City.

933.08 EFFECTIVE DATE

The effective date of this Article shall be June 14, 1997.

933.09 FEES SCHEDULE

(a) Fees for collection of recyclables as mandated in this Article shall be in accordance with Annex A which is incorporated herein and made a part hereof.

(b) Failure to pay the fees established by this Article by the due date shall result in the assessment of a penalty of ten (10%) percent of the fee owed by the obligated party.

ANNEX A - Recycling Fees

Bi-weekly Curbside Collection

Single Family Residential Units	\$20.00/yr.
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Multi-Family Residential Units	\$20.00/unit/yr.
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Restaurant and Eating
Establishments Licensed for
Operation in City

50 seats or less	\$17.00/yr.
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51 - 125 seats	\$34.00/yr.
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126 seats or more	\$51.00/yr.
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Retail Food Outlets Licensed
in City

1,001 - 5,000 sq.ft.	\$34.00/yr.
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5,001 sq.ft. or more	\$51.00/yr.
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(Ord. 3863. Passed 1/20/98.)

933.99 PENALTIES

Any person who violates any provision of this Article shall be subject to the following penalties:

(1) First Violation - a fine of \$100.00 or thirty days imprisonment, or both;

(2) Second Violation - A fine of \$250.00, or sixty days imprisonment, or both;

(3) Third Violation - A fine of \$500.00, or ninety days imprisonment, or both;

(4) Fourth and Each Subsequent Violation - A fine of \$1,000, or ninety days imprisonment, or both.

(Ord. 3821. Passed 6/3/97.)